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 10 liability company, and SSC Service Corp.,
 11 a California corporation

FILED

FEB 27 2006

RICHARD W. WICKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
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 10 NORTHERN DISTRICT OF CALIFORNIA
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 12 SAN FRANCISCO DIVISION

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1 In December, plaintiffs noticed the depositions of Robert Smith and Richard McCall
 2 (members of defendant Perimeter), and another witness for mid-January 2006. These depositions
 3 were subsequently rescheduled for January 30 and 31, 2006 to accommodate defense counsel's
 4 vacation. However, on the evening of Friday, January 27, 2006, counsel for the defendants
 5 contacted plaintiffs' counsel and advised that his witnesses would not be appearing at the depositions
 6 on Monday.

7 Due to the upcoming discovery cutoff date (February 28, 2006), plaintiffs were
 8 prepared to quickly move to compel the depositions and seek sanctions, but plaintiffs refrained from
 9 submitting a joint letter regarding this dispute to the Court while the parties engaged in additional
 10 settlement discussions. To date, these settlement discussions have been unsuccessful.

11 Recently, counsel for the defendants advised plaintiffs' counsel that Perimeter (and
 12 possibly Mr. Smith) may file for bankruptcy if the parties cannot reach a settlement. Counsel for the
 13 defendants may also file a motion seeking to withdraw as counsel for the defendants.

14 In light of these events, the parties jointly request that the court continue the non-
 15 expert discovery cutoff date by one month to permit the parties additional time to, among other
 16 things, conduct percipient witness discovery. This continuance will also permit the parties sufficient
 17 time to either consummate a settlement, or permit the Perimeter and/or Mr. Smith to file (or not file)
 18 for bankruptcy, and permit counsel for the defendants to seek to withdraw as counsel. Without the
 19 continuance, the upcoming discovery cutoff will force both parties to engage in motion practice and
 20 conduct discovery that may prove unnecessary.

21 Therefore, the parties request that the non-expert discovery cutoff be continued to
 22 March 31, 2006.

23 DATED: February 16, 2006

DLA PIPER RUDNICK GRAY CARY US LLP

24 By:


Jamie S. Peterson

25
26 Attorneys for Plaintiffs
27 SAFE Financial LLC, a Delaware limited liability
28 company, and SSC Service Corp., a California
corporation

1 DATED: February 16, 2006

VALINOTI & DITO

2 By: Kenneth L. Valinoti

3 Kenneth L. Valinoti
4 Attorneys for Defendants
5 Perimeter Security Solutions, a Georgia limited
liability company, and Robert H. Smith

6

7 **CASE MANAGEMENT ORDER**

8 The Stipulation and Proposed Order is hereby adopted by the Court. The November
9 1, 2006 Pretrial Order for the case is amended to state that the non-expert discovery cutoff date shall
10 be March 31, 2006.

11 IT IS SO ORDERED.

12 DATED: 2/27/06

13 Hon. MARTIN J. JENKINS
14 United States District Court Judge

153 Townsend Street, Suite 800
15 San Francisco, California 94107-1957

16 PIPER JAFFRAY
17 GARDNER